

Office of Statewide Health Planning and Development

Healthcare Information Division

Patient Data Section
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TITLE 22: OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

ACTION: Notice of Rulemaking

SUBJECT: Amendments and additions to Article 8 – *Data Reporting Requirements*, to implement the mandated collection and transmission of Emergency Care and Ambulatory Surgery data through the Medical Information Reporting for California (MIRCal) system.

PUBLIC PROCEEDINGS:

NOTICE IS HEREBY GIVEN that the Office of Statewide Health Planning and Development (OSHPD) proposes amendments to Article 8 – *Data Reporting Requirements*, Sections 97210 – 97213, 97215–97233, 97240, 97241, and 97244 – 97250, and the addition of new Sections 97251 – 97265 to Division 7, Chapter 10 – *Health Facility Data*, Title 22 of the California Code of Regulations (CCR) to implement the mandated collection and transmission of Emergency Care and Ambulatory Surgery data through the Medical Information Reporting for California (MIRCal) system in addition to the discharge records (inpatient) that are currently collected and transmitted to OSHPD. Any interested Person, or his or her authorized representative, may submit written comments or questions relevant to the proposed regulatory action to the Patient Data Section of OSHPD at any time during the 45-day public comment period. To be considered for summary and response, all written comments must be received no later than 5:00 p.m. on Monday, October 4, 2004. Written comments for OSHPD's consideration should be directed to Candace L. Diamond, Manager, Patient Data Section at cdiamond@oshpd.ca.gov or to Irene Ogbonna, Analyst, at iogbonna@oshpd.ca.gov or to the MIRCal mailbox at MIRCal@oshpd.ca.gov. E-mail is the preferred means for the submission of public comments. Written comments may also be mailed to Candace L. Diamond, Manager, Patient Data Section, 818 K Street, Room 100, Sacramento, California, 98514. NOTICE IS ALSO GIVEN that no public hearing will be held. However, a public hearing will be held if, no later than 15 days prior to the close of the written comment period, an interested person submits a written request to hold a public hearing to the Contact Person (see Contact Person below).

CONTACT PERSONS:

Inquiries concerning the substance of the proposed action may be directed to Candace L. Diamond, Manager, by e-mail at cdiamond@oshpd.ca.gov or may be addressed to Candace L. Diamond, Manager, Patient Data Section, 818 K Street, Room 100, Sacramento, California, 98514 (telephone: (916) 324 2712; fax: (916) 327 1262). The backup contact person is Irene Ogbonna, Analyst, who may be



contacted by e-mail at ioqbonna@oshpd.ca.gov or by mail addressed to Irene Ogbonna, Analyst, Patient Data Section, 818 K Street, Room 100, Sacramento, California, 98514 (telephone: (916) 324 3851; fax: (916) 327 1262). The MIRCal e-mailbox, at MIRCal@oshpd.ca.gov may also be used. E-mail is the preferred means for the submission of public comments.

POLICY STATEMENT OVERVIEW:

Proposed changes facilitate the mandated collection of Emergency Care data records (ED) and Ambulatory Surgery data records (AS) in addition to the discharge records (inpatient) that are currently submitted to OSHPD via the MIRCal online transmission system. The Discharge Data program is renamed the Patient Data program to more accurately reflect its responsibilities.

INFORMATIVE DIGEST:

In July, 2004, the Office of Statewide Health Planning and Development (OSHPD) gave notice of proposed amendments to Article 8 – *Data Reporting Requirements*, Sections 97210 - 97213, 97215-97233, 97240 and 97241, and 97244 – 97250, and the addition of new Sections 97251– 97265 to Division 7, Chapter 10 – *Health Facility Data*, Title 22 of the California Code of Regulations (CCR) to implement the collection and online transmission of Emergency Care and Ambulatory Surgery data through the Medical Information Reporting for California (MIRCal) system.

Quarterly reporting periods are established for the new Emergency Department (ED) and Ambulatory Surgery (AS) data. Due dates are established, extension days allowed, and MIRCal online data transmission requirements are stated.

ED and AS data elements are defined in new sections 97251 through 97265, based upon the content of the 837 Health Care Service: Data Reporting Guide (837 HCSDRG). Version 4050 of the 837 is a national standard transaction set approved by the Accredited Standards Committee (ASC) X12N of the American National Standards Institute (ANSI). The HCSDRG was developed through the work of the Public Health Data Standards Consortium for use by public health agencies (including states like California with mandated programs) to collect data using national standards. The reporting guide is compatible with the format and data content of the 837 Health Care Claim transaction implementation guides (Institutional and Professional) used by all health facilities to file claims for payment. It may be found at the Washington Publishing website:

www.wpc-edi.com/healthcarefinal.asp

AUTHORITY AND REFERENCE:

Authority for the proposed regulations is provided by the California Health and Safety Code, Sections 128810 and 128755. The reference citations are as follows: the proposed regulations implement, interpret, or make specific Health and Safety Code Sections 1250, 1250.1, 128700, 128735, 128736, 128737 and 128760.

FISCAL IMPACT ESTIMATES:

- A. Estimate of Cost or Savings to Any State Agency (Cal. Gov't Code §11346.5(a)(6)):
None.
- B. Cost to Any Local Agency or School District That is Required to be Reimbursed by the State (Cal. Gov't §11346.5 (a)(5)): None.
- C. Non-Discretionary Cost or Savings Imposed on Local Agencies (Cal. Gov't Code §11346(a)(6)): None.
- D. Cost or Savings in Federal Funding to the State (Cal. Gov't Code §11346.5(a)(6)): None.
- E. Impact on Housing Costs (Cal. Gov't Code §11346.5(a)(12)): None.
- F. Potential Cost Impact on Private Persons or Affected Businesses, Other Than Small Businesses (Cal. Gov't Code §11346.5(a)(9)): OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

DETERMINATIONS:

As required by Government Code Section 11346.5(a)(5), OSHPD has determined that these regulations would not impose a reimbursable mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

As required by Government Code Section 11346.5(a)(8), OSHPD has made an initial determination that these regulations would not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

As required by Government Code Section 11346.3(b)(1), the Office has determined that the regulation would not significantly affect the following:

- 1) The creation or elimination of jobs within the State of California.
- 2) The creation of new businesses or the elimination of existing businesses within the State of California.
- 3) The expansion of businesses currently doing business within the State of California.

As required by Section 4 of Title 1 of the California Code of Regulations, the Office has determined that these regulations will not significantly affect small businesses as defined in Government Code Section 11342.610. Approximately 112 Freestanding Ambulatory Surgery Clinics meet the definition of a small business because they reported Gross Annual

Revenues of less than \$1,500,000. Reporting to MIRCal requires the use of a computer and the ability to use the internet. Clinics already use both of these to submit data reports to OSHPD. The editing program that clinics will use is an online application that is available for use at no charge.

AVAILABILITY OF TEXT OF REGULATIONS AND STATEMENT OF REASONS:

OSHPD will post and make available for public review the text of the regulations, the Initial Statement of Reasons, and the supporting documentation upon which the regulations were based on the internet at the OSHPD website www.oshpd.ca.gov. Hardcopy documents are available upon request from OSHPD, Healthcare Information Division, Patient Data Section, 818 K Street, Room 100, Sacramento, CA 95814.

AVAILABILITY OF MODIFIED TEXT OF REGULATIONS AND FINAL STATEMENT OF REASONS:

Modified and final documents will also be available from this website when they are available. Hardcopy documents are available upon request from OSHPD at the Healthcare Information Division, Patient Data Section, 818 K Street, Room 100, Sacramento, CA 95814.

PLAIN ENGLISH SUMMARY

Currently, hospitals licensed in California are required by law to file a Hospital Discharge Abstract Data Record with the Office for every patient discharged from a hospital. These regulation changes are needed to help OSHPD collect Emergency Care Data Records from hospitals licensed to provide emergency medical services and Ambulatory Surgery Data Records from hospitals and from surgical clinics licensed by the state as freestanding ambulatory surgical clinics and known as ambulatory surgery centers. Health and Safety Code Sections 1287236 and 128737 mandate the collection of these data records.

California hospitals submit Hospital Discharge Abstract Data Reports to the Office on specified due dates. This regulation change specifies due dates for the new Emergency Care Data Records and the new Ambulatory Surgery Data Records.

California hospitals submit Inpatient Hospital Discharge Abstract Data Reports (IP) consisting of specific data elements required by law and defined in regulations. These regulation changes define data elements for the new Emergency Care Data Records (ED) and the new Ambulatory Surgery Data Records (AS) based on a National Standard that has been approved for use by health data-collecting entities, including state departments.

California hospitals submit IP data online, using a computer and a secure, online, Internet connection. OSHPD has named the online transmission system "MIRCal" (Medical Information Reporting for California). These regulation changes include the information that explains how facilities must send ED and AS data using MIRCal.

Using MIRCal, data reports can be seen online within hours of transmission. Also, reports can be transmitted several weeks before the due date, at the reporting facility's convenience, and can be corrected online by the facility. Some hospitals submit data

reports and have them approved on the same day. OSHPD analysts have been able to respond to hospital telephone questions more effectively because both OSHPD and the hospital can see the same report, at the same time, on their respective computer screens. The ED and AS program will have the same MIRCal system functions and staff support from the Patient Data Section of OSHPD.

The proposed implementation date for these regulations is for records covering October 1, 2004, through December 31, 2004, due in February of 2005.

ALTERNATIVES:

According to Government Code Section 11346.5(a)(12), the Office must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. OSHPD has determined that using the existing MIRCal system to process ED and AS data is the most reasonable alternative.

Candace L. Diamond, Manager
Patient Data Section
Office of Statewide Health Planning and Development